

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>VICTOR YARBROUGH</b>	:	<b>CIVIL ACTION</b>
<b>Petitioner,</b>	:	
<b>vs.</b>	:	
	:	
<b>SUPERINTENDENT MR. MICHAEL</b>	:	<b>NO. 09-336</b>
<b>KLOPOTOSKI, DISTRICT ATTORNEY</b>	:	
<b>OF THE COUNTY OF LYNN ABRAHAM;</b>	:	
<b>and, THE ATTORNEY GENERAL OF THE</b>	:	
<b>STATE OF PENNSYLVANIA,</b>	:	
<b>Respondents.</b>	:	

**ORDER**

**AND NOW**, this 8th day of December, 2009, upon consideration of the Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254 (Document No. 1, filed January 23, 2009), and after review of the Report and Recommendation of Chief United States Magistrate Judge Thomas J. Rueter dated October 30, 2009 (Document No. 13), and Petitioner's Objection to the Report and Recommendation (Document No. 14, filed November 20, 2009),<sup>1</sup> **IT IS ORDERED** as follows:

1. The Report and Recommendation of Chief United States Magistrate Judge Thomas J. Rueter dated October 30, 2009, is **APPROVED** and **ADOPTED**;
2. Petitioner's Objection to Report and Recommendation is **OVERRULED**;
3. The Petition for Writ of Habeas Corpus is **DISMISSED AND DENIED**; and,
4. A certificate of appealability will not issue because reasonable jurists would not debate whether the petition states a valid claim of the denial of a constitutional right or this Court's

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<sup>1</sup>Petitioner's objections were styled as a Notice of Appeal. Because the Court had not yet ruled on the Report and Recommendation, the Notice of Appeal was docketed in this Court as "Objection to Report and Recommendation (Notice of Appeal) by Victor Yarbrough." Petitioner has a right of appeal from the entry of this Order and Memorandum.

procedural rulings with respect to petitioner's claims. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

**BY THE COURT:**

**/s/ Jan E. DuBois, J.**

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**JAN E. DUBOIS, J.**